

House File 487

H-1204

1 Amend House File 487 as follows:

2 1. Page 1, after line 15 by inserting:

3 <Sec. \_\_\_\_ . NEW SECTION. 147.136A Noneconomic  
4 damage awards against health care providers.

5 1. For purposes of this section:

6 a. "Health care provider" means the same as defined  
7 in section 147.139.

8 b. "Health care services" means medical diagnosis,  
9 treatment, evaluation, advice, or acts that are  
10 permitted under chapter 148, 148C, 149, 152, 152E,  
11 153, 154, or 155A, or any other health care licensing  
12 statutes of this state.

13 c. "Noneconomic damages" means damages arising from  
14 pain, suffering, inconvenience, physical impairment,  
15 mental anguish, emotional pain and suffering, loss of  
16 chance, loss of consortium, or any other nonpecuniary  
17 damages.

18 2. The total amount of noneconomic damages  
19 recoverable from all defendants in all civil actions,  
20 whether in tort, contract, or otherwise and including  
21 derivate actions, that arise out of an act or omission  
22 in connection with the provision of health care  
23 services shall not exceed two hundred fifty thousand  
24 dollars.

25 3. The limitation on damages contained in this  
26 section shall not apply as to a defendant if that  
27 defendant's actions constituted actual malice.>

28 2. Title page, line 2, by striking <witnesses> and  
29 inserting <witnesses, noneconomic damage awards,>

30 3. By renumbering as necessary.

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BALTIMORE of Boone